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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,932	01/15/2004	Jean Pierre Saladin	14XZ124318	6349
23413	7590	05/23/2005	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			SUCHECKI, KRYSZYNA	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/757,932	SALADIN, ET. AL.	
	Examiner	Art Unit	
	Krystyna Suchecki	2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-15, 18-20, 23, 30, 32-34, 37, 38 and 40 is/are rejected.
- 7) ☒ Claim(s) 7-12, 16, 17, 21, 22, 24-29, 31, 35, 36 and 39 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01-15/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/15/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 18-23 are objected to because of the following informalities: Claims 18-23 should read "plate to rotate". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for x-ray radiation filtering systems, does not reasonably provide enablement for radiation filtering systems in general. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. For example, the claims are not enabled for laser, gamma or neutron radiation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 13-15, 18-20, 23, 30, 32-34, 37, 38 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Vlasbloem (US 4,984,258).

6. Regarding Claims 1-4, Figures 1 and 2 of Vlasbloem teach a radiation filtering system and an imaging apparatus, a radiation emitting device and x-ray tube comprising: a chamber provided with a cathode and an anode as means for providing a source (2) of emitted radiation (See also incorporated reference NL 8400845, page 9, for details of the cathode and anode in a tube in chamber 1 of Figure 1, where X-rays exit a window of the chamber); a window in this chamber to let through X-rays emitted by the anode; means for detecting the emitted radiation (Column 3, lines 7-9); an x-ray filtering system for the emitted radiation comprising: a plurality of filtering plates (9) of which a selected one or more of the plates can be placed in a path of emitted radiation; means for causing a selection of one or more of the plates (Column 1, lines 54-64); the plates being fixed to the means for causing a selection by means of a joint (5); and, means for modifying an orientation of a plate about its respective joint (6).
7. Regarding Claim 5, Vlasbloem teaches a rotation shaft mounted on an edge of the filtration plate and cooperating with a bearing point (swivel) (5).
8. Regarding Claim 6, Vlasbloem teaches the joint comprising a flexible strip for connection between an edge of the filtration plate and an end of an arm of the distributor (Column 1, lines 54-64, namely, within Dutch paten 8400845).
9. Regarding Claims 13-15 Vlasbloem teaches the mechanism comprising a ramp (at the end of rod, 6) so that the filtration plate rotates about its joint as a result of motion of the distributor.
10. Regarding Claims 18-20 and 23, Vlasbloem teaches a mechanism comprising a pusher device (6) to cause the filtration plate to rotate about its joint (5).

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11. Regarding Claim 30, Vlasbloem teaches the pusher device as motor driven and where in the filtering system receives a command to cause the filtration plate to occupy intermediate positions with respect to the window between two extreme positions (Column 1, line 54- Column 2, line 6, wherein the reference to NL8400845 teaches the intermediate positions).

12. Regarding Claims 32-34, 37, 38 and 40, Vlasbloem teaches the filtration plate as mounted in the filtration system by means of a frame with guideways (Figure3).

Allowable Subject Matter

13. Claims 7-12, 16, 17, 21, 22, 24-29, 31, 35, 36 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: Claims 7-12 contain allowable subject matter for at least the reason that the prior art of record fails to teach or fairly suggest a distributor wheel with an axis of rotation parallel to a direction of x-rays as claimed. Claims 24-29 contain allowable subject matter for at least the reason that the prior art of record fails to teach or fairly suggest a mechanism comprising a spring to push the filtration plate back towards the pusher device as claimed.

15. Claims 16, 17, 21, 22, 31, 35, 36 and 39 contain allowable subject matter at least by virtue of their dependency.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. NL 8400845 is included for applicant's reference for its teachings as incorporated by Vlasbloem Patent to Gund (US 2,814,727) is of interest for teaching a conveyor system with

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filtration plates. The axis of rotation of the conveyor wheels is not parallel to the direction of X-rays. Patent to Romeas (US 6,148,062) is of interest for teaching multiple filters rotatable about joints (20) with guideways (14,13 and 22).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krystyna Suchecki whose telephone number is (571) 272-2495. The examiner can normally be reached on M-F, 9-5.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WD

ks

Craig E Church

Craig E. Church
Primary Examiner